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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 31, 2023

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JASON S.,¹

Plaintiff,

v.

KILOLO KIJAKAZI, ACTING
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

NO: 1:23-cv-03128-LRS

ORDER GRANTING STIPULATED
MOTION FOR REMAND

BEFORE THE COURT is the parties' Stipulated Motion for Remand, ECF No. 6. Based on the stipulation of the parties, the Court finds good cause to grant the motion.

Accordingly, pursuant to the stipulation, **IT IS HEREBY ORDERED:**

1. Defendant's Stipulated Motion for Remand, ECF No. 6 is **GRANTED**.

¹ The court identifies a plaintiff in a social security case only by the first name and last initial in order to protect privacy. *See* LCivR 5.2(c).

- 1 2. This case is **REVERSED** and **REMANDED** for further administrative
2 proceedings pursuant to sentence four of 42 U.S.C. § 405(g).
3 3. On remand, the Appeals Council will instruct the ALJ to further evaluate
4 Plaintiff's subjective complaints and residual functional capacity, including
5 his complaints about headaches. The ALJ will consider whether Plaintiff's
6 headache disorder equals a step-three listing as directed by Social Security
7 Ruling 19-4p. The ALJ will further develop the record as additionally
8 needed, offer Plaintiff the opportunity for a new hearing, and issue a new
9 decision.
10 4. Upon proper presentation, this Court will consider Plaintiff's application
11 for costs, expenses, and reasonable attorney's fees under the Equal Access to
12 Justice Act, 28 U.S.C. § 2412(a), (d).

13 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this
14 Order and provide copies to counsel. Judgment shall be entered for Plaintiff and
15 the file shall be **CLOSED**.

16 **DATED** October 31, 2023.

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18 _____
19 LONNY R. SUKO

20 Senior United States District Judge
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